

Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 93-85

DOCKET FILE COPY ORIGINAL

RECEIVED

APR 27 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RECEIVED

APR 27 1993

In the Matter of

Amendment of Part 97 of the
Commission's Rules Concerning

RM-7649 RM-7669
RM-7675 RM-7676

that only retransmit messages would not be held accountable for communications they forward or their stations retransmit unwillingly.[9] The objective of this proceeding, therefore, is to ascertain what special rules, if any, should be provided for message forwarding systems.

III. DISCUSSION

4. We concur with the petitioners that it is impractical to apply the current policy regarding licensee accountability to all stations in message forwarding systems. Requiring a message-by-message screening procedure at each forwarding station greatly reduces the efficiency of these systems. On the other hand, like the petitioners, we are concerned about the potential for misuse of these systems. Therefore, we want to examine our general policy for message forwarding systems.

5. The petitioners recommend that only the station licensee and the control operator of the station that originates a communication that violates the rules be held responsible. While we agree that the originating station licensee and the control operator should be held responsible for violative communications they originate, [10] we are not convinced that only holding the originating station licensee responsible would be sufficient to prevent misuse of message forwarding systems. It appears that the control operator of the station that first forwards [11] communications from the originating station on behalf of the system is also in a good position to determine if those communications violate the rules and take corrective action where necessary. Therefore, in addition to holding the originating station licensee and control station operator accountable, we propose to add new Section 97.217 to the rules to also hold the control operator of the first forwarding station accountable for communications transmitted within a message forwarding system. We believe that this approach would allow high speed message forwarding systems to operate as efficiently as they are intended and still provide safeguards necessary to prevent system misuse.[12] Under this approach, the only delay occurs during screening at the first forwarding station. Thereafter, all other stations can retransmit the message with little or no delay. Because of the standardized format of the amateur AX.25 frames, for example, both the originating and the first forwarding station can be readily identified.[13]

6. To avoid confusion regarding the meaning of the term "message forwarding system", we propose to add a definition of this term in Section 97.3 of the Rules, 47 C.F.R. 97.3. We also propose to revise the definition of the term "repeater" in Section 97.3 to clarify the differences between a repeater and a message forwarding system and to

← This is impractical for DX packet networks. Should be originator only.

← There was no "confusion". I could read, others wouldn't.

7. This proposal would serve the public interest by removing a barrier to automatic message forwarding systems relaying messages at high speeds, thereby making more efficient use of available radio spectrum and encouraging greater numbers of licensees to participate in message forwarding systems. Additionally, these rules would provide improved communications capabilities while protecting against abuse. We seek comment, therefore, on the rule changes as proposed in the Appendix.

V. PROCEDURAL MATTERS

Ex Parte Rules - Non-Restricted Proceedings

8. This is a non-restrictive notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. 1.1202, 1.1203, and 1.1206(a).

Regulatory Flexibility Act

9. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because, if the proposed rule amendments are promulgated, there will not be any significant economic impact on small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The amateur service may not be used to transmit business communications on regular basis. See 47 C.F.R. 97.113(a). The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612 (1981).

Comment Dates

10. Authority for issuance of this Notice is contained in Sections 4(i), 303(b), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(b), (g), and (r). Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Communication's Rules, 47 C.F.R. 1.415 and 1.419, interested parties may file comments on or before July 1, 1993, and reply comments on or before August 1, 1993. To file formally in this proceeding, you must file an original and five copies of all comments, and reply comments. To file informally, you must file an original and one copy of you comments, provided only that the Docket Number is specified in the heading. You should send comments and reply comments to: Office of the Secretary, Federal Communication Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

11. For further information, contact William T. Cross, Personal Radio Branch, Private Radio Bureau, (202) 632-4964.

FEDERAL COMMUNICATION COMMISSION

Donna R. Searcy

APPENDIX

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 97 - Amateur radio service

1. The authority citation for Part 97 would continue to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

97.217 Message forwarding system.

(a) Any amateur station may participate in a message forwarding system, subject to the privileges of the class of operator license held.

[10] See Sections 97.103 and 97.105 of the Rules.

[11] The first forwarding station is the station that receives a communication directly from the originating station and inputs it into the "system." The first forwarding station licensee could establish guidelines for messages that the station will accept for introduction into the message forwarding system. For example, the control